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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/601,738
Filing Date: June 23, 2003
Appellant(s): PRETZLAFF ET AL.

James N. Kallis
For Appellant

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GROUP 2600

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 21, 2006 appealing from the Office action mailed January 23, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,235,328	Kurita	8-1993
US 2002/0067826	King	6-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 5-8, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurita (US# 5,235,328) in view of King (US 2002/0067826).

Referring to claims 1 and 6, Kurita discloses a keyless authorized access control system, the system comprising:

at least two transceivers (i.e. transceiver circuitry of electrical apparatuses), each transceiver being assigned to a respective object (i.e. an electrical apparatus) (column 4 lines 27 to 34); and

an identification device (i.e. a remote commander; Figure 1) having a base module (1) (i.e. a commander main body) operable to communicate commands to the transceiver (i.e. transceiver circuitry of electrical apparatuses) assigned to the objects (i.e. an electrical apparatus such as VTR, TV or CD) (column 3 lines 30 to 43; column 4 line 59 to column 5 line 34; see Figures 1 and 5);

the identification device (i.e. a remote commander) further having at least two object modules (2A) (i.e. ROM cards and RAM cards), each object module (2A or 2B) being assigned to a respective one of the objects (i.e. an electrical apparatus) (column 3 lines 30 to 64; column 4 lines 35 to 64; see Figures 1 to 7), each object module (2A) having a memory chip (30) (i.e. ROM chip) containing a code (i.e. command data) attuned to the assigned object (VTR or TV) (column 5 lines 21 to 34; see Figures 6 to 9);

each object module (2A) (i.e. ROM cards or RAM cards) being interchangeably connected to the base module (1) (i.e. a commander main body) through a respective interface (16) (column 4 line 65 to column 5 line 7; see Figures 5 and 8-9);

each object module (2A) having a button (32) (i.e. a key switch) operable for activating the base module (1) to communicate to the transceiver (i.e. transceiver circuitry of electrical apparatuses) assigned to the object (i.e. an electrical apparatus) that is assigned to the object module (2A) a command having the code attuned to the assigned object (i.e. an electrical apparatus) when the object module (2A) is connected through the respective one of the interfaces (16) to the base module (1) (column 5 lines 21 to column 6 line 50; column 7 lines 1 to 48; see Figures 8 and 9).

However, Kurita did not explicitly disclose that the base module having at least two interfaces and each object module being interchangeably connected to the base module through a respective one of the interfaces such that a first one of the object modules is interchangeably connect to the base module through a first one of the interfaces while a second one of the object modules is interchangeably connected to the base module through a second one of the interfaces.

In the same field of endeavor of reconfigurable remote command apparatus, King teaches the base module (12) (i.e. a trainable transmitter body) having at least two interfaces (22) (i.e. connectors having sockets 20) and each object module (14a to 14e) (i.e. a memory card) being interchangeably connected to the base module (12) through a respective one of the interfaces (22) such that a first one of the object modules (14a) is interchangeably connect to the base module (12) through a first one of the interfaces (22) (i.e. first connector) while a second one of the object modules (14b) is interchangeably connected to the base module (12) through a second one of the interfaces (22) (i.e. first connector) in order to provide an upgradable reconfigurable universal trainable transmitter.

One of ordinary skilled in the art recognizes the need to have a plurality of electrical connectors to interface with plurality of removable plug-in data modules taught by King in a remote commander main body of Kurita because Kurita suggests it is desired to provide that the remote commander main body includes a plurality of connectors to connect with plurality of cards so that each card can be interchangeably (column 3 line 51 to column 4 line 48; see Figure 1) and King teaches that the trainable transmitter body has at least two electrical connectors for plurality of memory cards interchangeable (page 1 paragraph 0010 to page 2 paragraph 0018; see Figure 1) in order to provide convenience compatible with many home products. Therefore, it

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would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have a plurality of electrical connectors to interface with plurality of removable plug-in data modules taught by King in a remote commander main body of Kurita with the motivation for doing so would have been to provide a convenience to the consumer by allowing the remote command apparatus operates with a plurality of cards.

Referring to Claims 2 and 7, Kurita discloses the system and the device as recited in claims 1 and 6, Kurita discloses the third transceiver (i.e. a transceiver circuitry of a CD), the third transceiver being assigned to a third object (i.e. a CD) (column 4 lines 59 to 65; see Figure 5); and

the base module (1) (i.e. a commander main body) has a memory chip (12 and 13) with a code (i.e. command data) attuned to one of the third objects (i.e. a transceiver circuitry of a CD), the base module (1) is operable for communicating to the third transceiver a command having the code attuned to the third object (column 5 lines 21 to 34; see Figures 6 to 9).

Referring to Claims 3 and 8, Kurita discloses the system and the device as recited in claims 1 and 6, Kurita discloses wherein the base module (1) has a button (32) (i.e. a key switch) operable for activating the base module (1) to communicate the codes to the transceivers assigned to the respective objects (column 5 lines 21 to column 6 line 50; column 7 lines 1 to 48; see Figures 8 and 9).

Referring to Claims 5 and 10, Kurita discloses the system and the device as recited in claims 1 and 6, Kurita discloses wherein each object module (2A or 2B) (i.e. ROM cards and RAM cards) has an electronic subassembly (32) (i.e. plurality of key switches for plurality of commands) relating to the assigned object (i.e. an electrical apparatus such as VTR, TV or CD) for carrying out object-specific communication with the transceiver assigned to the assigned object (column 7 lines 1 to 48; see Figures 3 to 4).

Referring to Claim 11, Kurita discloses the system, to the extent as claimed with respect to claim 1 above, and the system further including wherein the base module (1) has at least two receptacles (5) (i.e. open section for accepting ROM cards 2A or RAM cards 2B) with each receptacle receiving one of the object modules (2A) in order to interchangeably connect the object modules (2A) to the base module (1) through the respective interfaces (16) (column 3 lines 51 to column 4 line 11; See Figures 1 and 5).

(10) Response to Argument

A. With respect to Claims 1-3, 5-8 and 10-11, the appellant argues on section A, second paragraph, page 11, that Kurita and King when considered as a whole do not suggest the desirability and thus the obviousness of modifying Kurita in the manner taught by King.

In response to appellant's arguments, Kurita discloses a reconfigurable commander apparatus for remote control of one or more electronic devices. The commander includes a plurality of ROM cards 31 and each of the ROM cards can be selectively coupled electrically to

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said microprocessor 11 by an interface 16 and temporary storage means (column 3 lines 30 to 64; see Figures 1-5). Clearly, the reconfigurable commander apparatus has plurality of ROM cards and controls a plurality of electronic devices depending on the ROM cards.

King discloses a reconfigurable trainable transmitter 12 with a plurality of data modules 14a-e. The reconfigurable trainable transmitter 12 includes at least one, but alternatively more than one, socket 20 to which the data modules 14 can be connected. The socket 20 includes electrical connectors 22 which electrically connect to the electrical connector 18 on the data modules 14 (page 1, paragraph 0011; see Figure 1). When the user activates one of the switches 34a, for example, the code-generation circuitry 30 accesses the corresponding data module 14a to obtain the code-generation algorithms and other data. The code-generation circuitry 30 then generates the appropriate digital code, which is transmitted via the antenna 38 by the oscillator 36. This wireless signal is received by the receiving system 44a, such as a garage door opener. Upon receiving the digital code, the receiving system 44a activates the system, such as opening or closing the garage door. When the user activates the second switch 34b, the code-generation circuitry 30 accesses the second data module 14b and generates a second digital code, based upon a second cryptographic algorithm. This second digital code is transmitted via the antenna 38 by the oscillator 36, possibly at a second frequency and utilizing a second modulation scheme. This wireless signal is received by the second receiving system 44b, such as a home security system, which activates the system based upon receiving the proper digital code (page 2, paragraph 0018). Clearly, King discloses the reconfigurable universal trainable transmitter controls plurality of electronic devices for easily upgraded.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have a plurality of electrical connectors to interface with plurality of removable plug-in data modules taught by King in a remote commander main body of Kurita with the motivation for doing so would have been to provide the remote command apparatus operates with a plurality of cards to control a plurality of electronics devices in order to provide a convenience for the consumer.

Furthermore, the appellant argues on section A, second paragraph, page 11, that by modifying Kurita in the manner taught by King renders Kurita unsatisfactory for its intended purpose and, consequently, there is no suggesting or motivation to make the proposed modification.

A prior art reference that “teaches away” from the claimed invention is a significant factor to be considered in determining obviousness; however, “the nature of the teaching is highly relevant and must be weighed in substance. A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use.” *In re Gurley*, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994).

The main purpose of the commander apparatus of Kurita is to use to control the operation of home electronic devices. Even in such a remote commander, in which a command signal corresponding to the apparatus can be transmitted by changing the transmission card ROM. Furthermore, the intended purpose of the commander apparatus of Kurita is to provide an operating efficiency with plurality of ROM cards. King teaches that a reconfigurable universal

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trainable transmitter includes a plurality of plug-in data modules to control the activation of a garage door and a home security system. The reconfigurable universal trainable transmitter can be utilized with many different security systems from different manufacturers, in conjunction with the data modules. Clearly, the intended purpose of reconfigurable universal trainable transmitter is to control plurality of home electronic devices using the reconfigurable universal trainable transmitter with compatible and upgradeable data modules.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have a plurality of electrical connectors to interface with plurality of removable plug-in data modules taught by King in a remote commander main body of Kurita with the motivation for doing so would have been to provide the remote command apparatus operates to control a plurality of electronics devices in order to provide a convenience for the consumer to have one remote control device. Thus, modifying the commander apparatus of Kurita with a plurality of plug-in-data modules would not render the commander apparatus unsatisfactory for its intended purpose of maximizing remote control operator efficiency.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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NN

April 17, 2006

Conferees:

BROOKS KUSHMAN P.C.

1000 TOWN CENTER

TWENTY-SECOND FLOOR

SOUTHFIELD MI 48075

WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600